



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KFX MEDICAL CORPORATION, a
Delaware corporation,

Plaintiff,

vs.

ARTHREX INCORPORATED, a Delaware
corporation,

Defendant.

CASE NO. 11cv1698 DMS (BLM)

JURY VERDICT FORM

Ladies and gentlemen of the jury, it is now your duty to answer the questions presented in this verdict form after due deliberation. Please answer the questions in the order in which they appear.

DIRECT INFRINGEMENT

1. Has KFx proven by a preponderance of the evidence that surgeons performing the **SutureBridge** technique directly infringe the following claims of the KFx patents?

		"YES" is a finding for KFx	"NO" is a finding for Arthrex
'311 Patent	Claim 1	✓	
	Claim 20	✓	
	Claim 28	✓	
'942 Patent	Claim 1	✓	
	Claim 18	✓	

'969 Patent	Claim 1	✓	
	Claim 3	✓	

2. Has KFx proven by a preponderance of the evidence that surgeons performing the **SpeedBridge** technique directly infringe the following claims of the KFx patents?

		"YES" is a finding for KFx	"NO" is a finding for Arthrex
'311 Patent	Claim 1	✓	
	Claim 20	✓	
	Claim 28	✓	
'942 Patent	Claim 1	✓	
	Claim 18	✓	
'969 Patent	Claim 1	✓	
	Claim 3	✓	

If you answered "NO" for every claim in questions 1 and 2, skip to question 5.

INFRINGEMENT - INDUCEMENT

3. If you answered "YES" for any claim in question 1, has KFx proven by a preponderance of the evidence that Arthrex has induced infringement of that claim by the **SutureBridge** technique?

		"YES" is a finding for KFx	"NO" is a finding for Arthrex
'311 Patent	Claim 1	✓	
	Claim 20	✓	
	Claim 28	✓	
'942 Patent	Claim 1	✓	
	Claim 18	✓	
'969 Patent	Claim 1	✓	
	Claim 3	✓	

4. If you answered "YES" for any claim in question 2, has KFx proven by a preponderance of the evidence that Arthrex has induced infringement of that claim by the **SpeedBridge** technique?

		"YES" is a finding for KFx	"NO" is a finding for Arthrex
'311 Patent	Claim 1	✓	

	Claim 20	✓	
	Claim 28	✓	
'942 Patent	Claim 1	✓	
	Claim 18	✓	
'969 Patent	Claim 1	✓	
	Claim 3	✓	

VALIDITY - ANTICIPATION

5. Has Arthrex proven by clear and convincing evidence that the following claims of the KFx patents are anticipated by a single prior art reference?

		"YES" is a finding for Arthrex	"NO" is a finding for KFx
'311 Patent	Claim 1		✓
	Claim 20		✓
	Claim 28		✓
'942 Patent	Claim 1		✓
	Claim 18		✓
'969 Patent	Claim 1		✓
	Claim 3		✓

VALIDITY - OBVIOUSNESS

6. Has Arthrex proven by clear and convincing evidence that the following claims of the KFx patents would have been obvious to one of ordinary skill in the art at the time the claimed invention was made?

		"YES" is a finding for Arthrex	"NO" is a finding for KFx
'311 Patent	Claim 1		✓
	Claim 20		✓
	Claim 28		✓
'942 Patent	Claim 1		✓
	Claim 18		✓
'969 Patent	Claim 1		✓

1		Claim 3		✓
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WILLFULNESS

7. If you answered "YES" for any claim in questions 3 or 4, and "NO" for the corresponding claim in question 5 through 6, has KFx proven by clear and convincing evidence that Arthrex's infringement was willful?

	"YES" is a finding for KFx	"NO" is a finding for Arthrex
'311 Patent	✓	
'942 Patent	✓	
'969 Patent	✓	

DATED: 8/29/2013

Deborah Early
Foreperson